

**REMARKS**

New claims 9 – 16 are active in the case. The present invention relates to an anti-hepatitis agent containing a nucleotide sequence encoding a complementary strand of a hepatitis-virus and a structural gene, in the anti-sense direction, encoding a toxin.

Claims 1 – 6 are rejected under 35 USC 112, first paragraph, on grounds that the inventor did not have possession of the invention. These claims were related to agents against single stranded RNA (+) viruses in general. However, as now presented, the claims are directed to anti-hepatitis agents. This embodiment of the invention is described in specification in great detail. For instance, an agent against Hepatitis C virus is described starting on page 4 as follows: In the case of HCV this component (A) is preferably the 3' UTR or the nucleotide stretch of between 27 and 45 nucleotides in the 3' UTR which is known to function as a structural clue for the initiation of the complementary (-) strain. Examples 1 and 2 (starting on page 8 of the specification), show that the construct was able to produce HCV-specific antigens and diphtheria toxin in cell culture. Accordingly, the rejection under 35 USC 112, first paragraph should be withdrawn.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any fees due in connection with this filing to Deposit Account 50-1710 or credit any overpayment to same.

Respectfully submitted,



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